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# SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. TSHERING (Bhutan)

later: Mrs. ALVAREZ (Vice-Chairman) (Dominican Republic)

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AGENDA ITEM 104: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)*

* Items considered together.

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 103: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/50/18, A/50/425-S/1995/787, A/50/467, 468, 476 and 493)

AGENDA ITEM 104: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/50/390 and Add.1, 407 and 485)

1. Mr. AHMAD (Malaysia) said that it was clear from the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/50/476) that racial discrimination was on the rise and that xenophobia was becoming disturbingly common. The ethnic cleansing and genocide carried out in Bosnia and Herzegovina and in Rwanda were deeply troubling. The Programme of Action for the Third Decade to Combat Racism and Racial Discrimination must continue to address the causes of racism and racial discrimination through concrete programmes aimed at eradicating those phenomena.

2. Malaysia reaffirmed its support for the universal realization of the right of peoples to self-determination, including the inalienable right of the Palestinian people to an independent Palestinian State. The recent agreements between the Palestine Liberation Organization and Israel should contribute to the establishment of a such State. Elsewhere, however, the right to self-determination had been challenged and, in some cases, violated by mercenaries. The recent overthrow of the Government of the Comoros by mercenaries should be universally condemned. Mercenaries undermined the security of small States, prolonged conflicts, caused flows of refugees and adversely affected economic development. Concerted collective efforts were necessary in order to draw up and enforce laws against the recruitment, financing and use of mercenaries, since they violated the sovereignty and territorial integrity of States.

3. Ms. FRITSCHE (Liechtenstein) said that her country, through its proposal concerning self-determination, sought to provide a means, short of full independence, whereby the reasonable aspirations of distinct communities within States could find expression through different types of self-administration, ranging, according to the circumstances, from limited self-administration to something approaching internal self-government. That would be achieved on the basis of agreement between States and groups within them. Where disinterested help from outside would be useful, there should be some modest procedural framework for putting such self-administration into effect. Liechtenstein's proposal aimed to create a mechanism whereby minority groups seeking ways to assert their distinctive identity could pursue reasonable aspirations.

4. Her country had given a grant to Princeton University's Woodrow Wilson School of Public and International Affairs to establish a research programme on self-determination. A number of research studies had already been completed by distinguished scholars and two conferences had been held on the issues dealt with in those studies. A report on the conferences would be circulated in document A/50/492. The conference papers, written by leading scholars, covered an extremely broad field in terms of geography and intellectual disciplines and were directly relevant to matters of great contemporary international concern.

Liechtenstein would present the papers to the Secretary-General as part of its contribution to the commemoration of the Organization's fiftieth anniversary and planned to publish a book containing the conference papers and commentaries on them early in 1996.

5. Mr. ROGOV (Russian Federation) said it was alarming that self-determination was increasingly being used to violate basic human rights and freedoms, resulting in ethnic cleansing, discrimination and many thousands of refugees. The right to self-determination was a right of peoples and must not be usurped by individuals or groups. Self-determination frequently turned into aggressive separatism, which unfailingly caused human suffering and the denial of basic rights.

6. The international community should give greater attention to the situation of national minorities. The denial of human rights on the basis of ethnic origin created tension and potential conflict. The right to self-determination must not be implemented to the detriment of the interests of minorities. At the current time, violations of the rights of national minorities constituted a new challenge to international security. That question was vital to the Russian Federation, since 25 million ethnic Russians lived beyond its borders.

7. Self-determination was inseparable from the right of each individual to enjoy civil and political rights on the basis of equality and non-discrimination. The right to participate in the administration of one's country was a major political right. On 17 December 1995, the multinational people of the Russian Federation would determine their future by electing their representatives to the State Duma. It was precisely through elections, not separatism, that peoples must establish their political status and ensure their economic, social and cultural development.

8. Mrs. Alvarez (Dominican Republic), Vice-Chairman, took the Chair.

9. Ms. SAPCANIN (Bosnia and Herzegovina) said that from its inception, her democratically elected Government had been dedicated to maintaining the country's centuries-old traditions of pluralism, multiculturalism, tolerance and coexistence of various religious and ethnic groups on the basis of constitutional guarantees. In spite of that, racism in Bosnia and Herzegovina - manifested in ultranationalism and ethnic cleansing imported from Serbia - had victimized more than half of the original population for three and a half years. More than 200,000 Bosnians had been killed and a multitude of abuses had been perpetrated through expulsions, torture, rape and herding into concentration camps. Nationalist extremists had even sought to eradicate evidence of a successfully shared past by destroying historical and cultural monuments and sites.

10. The numerous efforts by the international community to bring peace to the region had failed because of its strategy of appeasement and the intransigence of the Belgrade regime and the Serb commanders in Bosnia. Humanitarian assistance was no substitute for a resolute response to terrorism and aggression. The citizens of Bosnia and Herzegovina were still targeted for murder or expulsion by that regime and its surrogates. Another 3,500 non-Serbs had recently been expelled from Prijedor in the gruesome process of "ethnic

cleansing". Men had again been separated and taken to unknown places. As indicated in the Secretary-General's report in document S/1995/755, there was credible evidence that mass executions had taken place in Srebrenica and Žepa during the past summer. The fact that some 8,000 Bosnian men from those areas still remained unaccounted for further heightened such fears.

11. The international community must compel those who continued to use terrorism and genocide as tools of aggression to halt their criminal behaviour and create an environment for peace. The war in Bosnia was a war between a democratic, tolerant and open society and an aggressive, totalitarian, closed political system. A profound and far-reaching democratization was necessary, first and foremost in Serbia. The Belgrade regime, which was the main negotiator for the Serb side, regularly committed human rights abuses against minority populations within its own borders. Guaranteeing the highest standards of human rights and freedoms for all must be a top priority. Free and democratic direct elections by popular vote must be ensured. All criminals must be brought before the International Criminal Tribunal for the former Yugoslavia, and refugees and displaced persons must be able to return to vote in those elections and live in a free and open society. Fulfilment of those requirements should be a prerequisite for any future assistance to the region, thus clearly indicating that aggression and dictatorship would not pay. The United States, the Contact Group on Bosnia and Herzegovina, the European Union and others involved in the peace process must ensure that there was no legitimatization of "ethnic cleansing" in the course of a peace settlement. Her country's unalterable objective was a democratic Bosnia and Herzegovina within its internationally recognized borders and with full restoration of the highest standards of ethnic, religious and political rights and freedoms for all citizens.

12. Mr. BORDA (Colombia) said that 50 years after the United Nations had been founded, largely in response to the most hideous genocide in history, which had been inspired by racism, the most virulent forms of racism and xenophobia were still in evidence. Therefore, although circumstances had changed and important successes had been achieved, the United Nations must continue with renewed vigour its debates on ways to eliminate those phenomena.

13. However, two factors were hampering the conduct of those debates: less time had been allotted to the item in the organization of the Committee's work, and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had once again been distributed late. He hoped that both problems would be corrected.

14. Since the report of the Special Rapporteur (A/50/476) provided the Committee with valuable information and recommendations, his delegation was concerned about the precariousness of the resources available to the Special Rapporteur for the conduct of his work. That situation should be redressed promptly.

15. Like the fight against racism, the right of peoples to self-determination had been the object of many successful United Nations efforts, and was still a very relevant issue in view of the disappearance of bipolarity in global relations. Colombia welcomed the progress made in the negotiations between

Palestine and Israel, and believed that the exercise of self-determination by the Palestinian people would help bring peace to the region.

16. The report of the Special Rapporteur on the use of mercenaries (A/50/390 and Add.1) highlighted the need to prevent situations where soldiers became mercenaries in the service of terrorists, drug traffickers or other groups seeking to destabilize duly constituted political regimes. Recent cases of mercenary activity, especially in the Comoros and Sierra Leone, should be severely condemned by the international community, as should the existence of legally registered private entities that engaged in the training, hiring and placement of mercenaries.

17. Mrs. KABA (Côte d'Ivoire) said that while institutionalized racial discrimination had disappeared, it still manifested itself in more subtle but equally oppressive ways. The media's treatment of the issue had helped political parties of the extreme right to gain power. Such parties represented a serious threat to peace, democracy and human rights. Legislation was continuing to be adopted which restricted immigration or denied immigrants their full rights, thereby creating many social problems. Such discriminatory legislation, giving legitimacy to racism and xenophobia, must be vigorously confronted at all levels. The issue was particularly disturbing in small countries which depended on economic integration for their survival; xenophobic and tribal feelings were incompatible with their desire to build large blocs capable of withstanding the demands of the market and economic competition.

18. In larger countries, the refusal to share prosperity with others had led to many acts of violence, of which women were the main victims. Before a solution could be found to the problem, it must be recognized as existing, then legislated against, and the perpetrators of violence severely punished. The media should be obliged to adopt a code of conduct outlawing inflammatory material and promoting peace and tolerance. Human rights courses emphasizing tolerance should be introduced at all educational levels.

19. Côte d'Ivoire was a multi-ethnic country that attached great importance to respect for human rights, fundamental freedoms and human dignity. Despite its ethnic diversity, it had maintained a climate of peace and harmony. By striving for social integration and encouraging the participation of peoples of different ethnic origin in development efforts, it had made significant economic and social progress.

20. Her delegation welcomed all initiatives to combat contemporary forms of racism, and thought that foundations and other private sources should be encouraged to contribute additional resources to that end.

21. Mr. COLOMA (Chile) said that his country was concerned about the persistence of racism and the resurgence of xenophobic and discriminatory practices, especially against immigrants and refugees from developing countries. It therefore strongly supported the work of all the relevant United Nations bodies in that area. Given the complexity of the problem, whose root causes could be traced to economic, social and religious factors, Chile endorsed the proposal to convene a world conference against racism, racial and ethnic discrimination, xenophobia and other contemporary forms of intolerance.

22. In dealing with the issue, it was important to recognize its universal nature and its incompatibility with the contemporary values of democracy, freedom and development; to emphasize preventive measures, such as those suggested in the Special Rapporteur's report (A/50/476) and in the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination; to accept the principle of non-discrimination as a component of international public law and to strengthen universal acceptance of that principle as a rule of jus cogens; to devise a preventive mechanism or a set of emergency measures with which the United Nations could prevent situations of discrimination from erupting into conflicts; and to encourage the involvement of non-governmental organizations, especially at the grass-roots level, in preventive and consciousness-raising activities.

23. Mrs. KABBAJ (Morocco) said her country considered that the Programme of Action for the Third Decade was the best framework for translating ideals into action such as legislation and education which would bring about a social order based on equality and respect for the rights and dignity of others. She therefore supported the proposal to hold a world conference in 1997 against racism, racial and ethnic discrimination, xenophobia and other contemporary forms of intolerance. However, her delegation was concerned about the funding available for the Third Decade. An international effort was called for in order to guarantee the necessary funds.

24. Her delegation warmly welcomed the International Decade of the World's Indigenous People, proclaimed in General Assembly resolution 48/163, and considered that its programme of action should contribute to the enjoyment by indigenous people of all their rights and spare them the ill effects of marginalization and exclusion.

25. Morocco had made a significant contribution to the adoption in General Assembly resolution 45/158 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Unfortunately, that important instrument had not yet entered into force, because of the small number of States which had ratified or acceded to it. Her country therefore urged States to show their support for the Convention, which would guarantee migrant workers their rights and dignity, conserve their cultural identity and protect them from racism.

26. Morocco, as one of the initiators of the United Nations Year for Tolerance, had celebrated it enthusiastically and had spared no effort to achieve its aims. Her country had always provided asylum for whoever needed it, whatever their religion, origin or race. She hoped that the international community's work to promote tolerance would result in all peoples and individuals being permitted to enjoy all their rights, and find peace, security and happiness in respect for their values, cultures and dignity.

27. Mr. ELDEEB (Egypt) welcomed the recent signature by Palestine and Israel of the Interim Agreement as a step towards full enjoyment by the Palestinians of all their legitimate rights, and hoped for similar developments with regard to Syria and Lebanon.

28. He expressed his country's full agreement with the report on the use of mercenaries (A/50/390 and Add.1), such use having damaging effects upon peoples' exercise of the right to self-determination. Recent events in the Comoros had indicated the need for action to prevent the recurrence of that phenomenon.

29. The ratification by nearly 150 States of the International Convention on the Elimination of All Forms of Racial Discrimination had demonstrated that the terrible crimes which had taken place in Bosnia and Herzegovina, Burundi, Rwanda, and elsewhere, were quite unacceptable to world opinion. It was important for all States to ratify all conventions relating to human rights issues.

30. He suggested the following measures to confront racism: the preparation of human rights courses by UNESCO, UNICEF and the Centre for Human Rights for use at all educational levels in all countries; the mobilization of governmental and non-governmental resources locally and nationally to combat racism, eradicate existing racist regulations and ideas and publicize every racist incident; the introduction by States of more liberal immigration policies for nationals of developing countries, and increased cultural interchange and respect for the cultural, religious and racial characteristics of all peoples; a ban on all broadcasts likely to incite racial or religious hatred; and the development of an international mechanism to monitor the use of educational methods to promote peaceful coexistence and tolerance.

31. In conclusion, he stated his country's willingness to cooperate with all Member States and relevant United Nations bodies in order to achieve the Organization's purposes.

32. Mr. PADILLA (Philippines), speaking on behalf of the Group of 77 and China, said that the past few years had witnessed horrendous human rights abuses arising from racial and ethnic tensions, as exemplified by the tragedies in Cambodia, Rwanda and the former Yugoslavia. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/50/476) and the report of the Committee on the Elimination of Racial Discrimination (A/50/18) described the ideological, demographic and economic factors underlying contemporary racism. Moreover, the Special Rapporteur claimed that there were indications that racial discrimination was growing, fed by economic, religious and social issues.

33. Despite the existence of international instruments and principles on the settlement of disputes, such as Article 33 of the Charter of the United Nations, international indifference had allowed many crisis situations to develop into full-scale conflicts. Consequently, Governments should strengthen legislation against all forms of intolerance and should ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights. Educational efforts in the context of the United Nations Decade for Human Rights Education would also be helpful.

34. The Group of 77 and China felt that the mass media were a powerful means of disseminating information on human rights and should be enlisted to perform that function, with the support of non-governmental organizations. In addition, they

should adopt self-monitoring mechanisms to avoid propagating racist prejudice and stereotypes. Likewise, the potential of civil society to help combat racism should not be underestimated.

35. As to the proposal to hold an international conference on racism and related intolerance, he wondered whether it might not be useful to address the issue of racism together with that of migration. The Group of 77 and China also strongly recommended that funding priority should be given to the programmes for the Third Decade to Combat Racism and Racial Discrimination and to the Special Rapporteur.

36. Ms. TOMIČ (Slovenia) said that the "ethnic cleansing" processes in Bosnia and Herzegovina and in Rwanda proved that the prevention of discrimination and respect for the existence of pluralistic societies were crucial to the achievement of world peace. It was extremely important not to allow those acts to be forgotten and to bring their perpetrators to justice, in accordance with the principle of individual criminal responsibility, so as to set examples that would help prevent the recurrence of such acts. Meanwhile, the non-institutionalized forms of intolerance that arose in everyday life as a result of ignorance and fear of diversity should be addressed through the promotion of the values of peaceful coexistence and cultural pluralism.

37. The different components of the United Nations system for preventing and combating racism and intolerance should coordinate their efforts. Moreover, the various relevant United Nations activities, such as the programmes for the decades on racism, human rights education and indigenous people, should be interrelated and mutually reinforcing. In addition, collaboration between United Nations experts and non-governmental organizations, as exemplified at the most recent session of the Subcommission on Prevention of Discrimination and Protection of Minorities, should be encouraged.

38. In view of the heavy workload and financial crisis of the Committee on the Elimination of Racial Discrimination, she appealed to all countries that were in arrears to pay their outstanding contributions. She also urged the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to ratify the amendment that would enable the Committee to receive funding from the regular budget of the United Nations. Her delegation welcomed the steps taken by that Committee to enhance its efficiency, as well as its proposals concerning early-warning measures and urgent procedures.

39. The right to self-determination, which her country fully recognized, could be exercised in different ways, as long as people were free to determine their political status and to pursue their economic, social and cultural development. She agreed with the view, expressed by Pope John Paul II in his recent address to the General Assembly, that further standard-setting was necessary in relation to the rights of nations. She welcomed the progress made in spelling out the rights of indigenous peoples, and felt that United Nations human rights bodies should conduct specific studies on contemporary questions of self-determination and other rights of peoples.

The meeting rose at 12.20 p.m.